When a marriage ceremony is performed in New Hampshire there are certain laws and administrative rules that must be followed by the officiant.

GENERAL INFORMATION

All marriages performed in this state must be recorded on a New Hampshire Certificate of Marriage. The New Hampshire Certificate of Marriage can **not** be used outside this state. New Hampshire statutes **do not** require witnesses.

SOLEMNIZATION

(RSA 457:31,31-a, 32, 33 and 37)

In NH marriages may be performed by:

- a justice of the Peace commissioned in NH;
- a minister of the gospel in N.H who has been ordained according to the usage of his/her denomination, resides in NH, and is in regular standing with the denomination;
- any minister within his/her parish, residing outside NH, but having a pastoral charge wholly or partly in NH
- Jewish Rabbis who are citizens of the U.S. and reside in this state;
- Quakers;
- a deacon in the Roman Catholic Church ordained according to the usage of his denomination.
- clergymen/clergywomen who are not ordained and non-resident ministers or Jewish Rabbis, after being licensed by the Secretary of State.

Secretary of State Special License: An Unordained clergyman/clergywoman who is a resident of this state and who is a member of and engaged in the service of a religious body which is chartered by the state may be issued a special license by the Secretary of State.

An **Ordained** minister who is a nonresident may obtain a special license from the Secretary of State authorizing him to marry a couple within NH This one time special license for the nonresident minister is valid only for that particular marriage.

Jewish Rabbis who are citizens of the U.S., residing out-of-state, may obtain a special license from the Secretary of State, valid only for that particular marriage. Questions and applications relative to special solemnization licenses should be addressed directly to the Secretary of State, State House, Room 204, Concord, NH 03301. Telephone (603) 271-3242. When a special license has been issued by the Secretary of State the officiant shall note this on the marriage certificate in the appropriate box/section and shall forward the special license, with the completed marriage certificate, to the clerk who issued the certificate.

Judges of the United states; RSA 457:32-a, states that the Secretary of State may issue a special license to a Judge of the United States residing in this State or to a United States magistrate judge residing in this state and appointed pursuant to federal law. The fee will be \$25 for each such license. A copy of the special license and the marriage license will be held by the Secretary of State.

Secretary of State Fee: The special solemnization license fee is \$5; payable to the Secretary of State.

Fee for Solemnizing: RSA 457:33 states: The persons joined in marriage by a minister or justice of the peace shall pay the minister or justice a minimum of \$5.

BEFORE THE CEREMONY

Although the issuing clerk is responsible for completing the certificate accurately, the officiant shall examine it to assure that it complies with New Hampshire statutes. Ideally, this should be done several days in advance so that if irregularities are present the officiant can contact the issuing clerk and have the errors corrected prior to the ceremony.

The marriage certificate is valid for ninety days from the date of filing the marriage intentions. The issuing clerk enters the expiration date of the certificate in item 17b. The marriage can not be preformed after that date. If the marriage certificate is not used within the 90 day period it must be returned to the issuing clerk.

AGE (RSA 457:4-9)

A male or female who has reached the age of 18 can marry without parental permission. A female between the age of 13 and 17 years and a male between the age of 14 and 17 years can be married only with the permission of their parent (guardian) and a waiver issued by a justice of the superior court or a judge of probate of the county in which one of the applicants resides. A female below the age of 13 and a male below the age of 14 are not allowed to marry under any condition. The above laws on age apply to NH residents or to nonresidents who desire to marry NH residents. If both parties are non-residents and are below the age of 18 they can not be married in NH under any condition. The officiant shall not solemnize a marriage if he/she has reason to believe that the bride or groom is not of legal age unless the certificate shows that permission has been granted in accordance with legal provisions for waivers.

RESIDENCE REQUIREMENTS

(RSA 457:22)

To be married in NH you do not have to establish residency. A couple wishing to marry in the State of NH may complete a marriage application at any NH city/town clerk's office regardless of their place of residence. This includes out-of-state residents as well. Once a valid marriage license is issued, the couple will be free to marry within any city/town in New Hampshire.

LICENSE VALIDITY PERIOD

(RSA 457:26-27)

A city/town clerk may issue a marriage license to the applicants the same day of the application, provided all signatures and statutory requirements are met (i.e. proof of divorce or death of previous marriage). The license shall be valid for a period of not less than 3 days and not more than 90 days from the date of filing. The marriage license should clearly state the date the license becomes valid as well as the date of expiration. The officiant shall make note of these dates and under no circumstances shall the couple be married before the valid date or after the expiration date.

On application to a justice of the superior court, or a judge of probate within the county where the proposed marriage is to be solemnized, the court for good cause may order the validation date be shortened.

AFTER THE CEREMONY

After the ceremony, the officiant shall complete all items in the section marked OFFICIANT in black ink. Items shall be typed or clearly printed, except for the officiant's signature.

The officiant shall return the "state copy" to the local clerk who issued the license. In accordance with RSA 126:8, this must be done within **six days** of the marriage. The **officiant** shall mail or personally deliver this copy. Under

no circumstances should this duty be assigned to the couple or a member of the wedding party.

Certified copies of the marriage certificate can be obtained for a fee from the City/Town Clerk where the license was filed.

FINAL COMMENTS

In accordance with Administrative Rule, Vit 501.03 (c), no person shall certify or sign the marriage certificate at his or her own marriage ceremony. When a party contacts you in advance concerning marriage arrangements, it would be advisable for you to refer them to the appropriate town/city clerk as part of your standard procedure. This will make them aware of New Hampshire marriage requirements in advance of the planned ceremony and will avoid "last minute" potential problems. It should be clearly understood by all parties concerned with the wedding ceremony in New Hampshire that severe penalties are provided for specific violations of the laws that relate to vital records. A marriage certificate is a vital record. It is an important legal document. In considered Class B felonies.

As required by law, the marriage certificate must be properly completed and returned promptly by the officiant to the issuing town/city clerk. The officiant shall not have any option concerning the reporting of a marriage, even if after the ceremony the couple changes and asks the officiant not to report the marriage to the clerk. Agreeing to such an action on the part of the officiant would be considered a direct violation of RSA 126:24 and the officiant may be found guilty of a Class B felony. The officiant at a marriage plays an important role as he/she performs a marriage ceremony. By the same token, it involves a responsibility that must be accepted in the officiant's official capacity. The Bureau of Vital Records and Health Statistics thanks the officiants in New Hampshire for their assistance in maintaining our vital record system.

QUESTIONS AND FURTHER INFORMATION

If questions arise that are not answered in this pamphlet, or if you wish to receive additional information, please feel free to call or write to the Bureau.

Prepared by:

The NH Division of Epidemiology & Vital Statistics Bureau of Vital Records 6 Hazen Drive Concord, New Hampshire 03301-6527

(603) 271-4650

In New Hampshire
Toll Free: 1-800-852-3345 Extension 4650

vr130-09/99